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Ms. Lynn M. Lewis
U.S. Fish and Wildlife Service
Region 3, Assistant Regional Director, Ecological Services
5600 American Blvd. West, Suite 990
Bloomington, MN 55437

RE: Request for extension to the comment period for the "Draft Revised Range-wide Indiana Bat Summer Survey Guidelines (January 2013)" as identified in the Notice of Availability in the Federal Register /Vol. 78, No. 6/Wednesday, January 9, 2013/Notices, pp. 1879-1880.

On 1 March 2012, I provided comments on the 2012 Draft Range-wide Indiana Bat Summer Survey Guidelines. I am a wildlife biologist and consultant with over 30-years of experience netting and trapping bats in North America and abroad. I have also conducted bat surveys using both frequency-division (zero-crossing) and full-spectrum bat detectors and signal analysis software since 1998. For these reasons, I felt qualified to point out some of the serious assumptions present in the draft document that would make implementing the survey protocols advanced therein problematic at best, and ineffective at confirming presence of *Myotis sodalis* at worst. A preliminary review of the 2013 Draft (referenced above) and its new accompanying documentation (totaling over 60-pages of text) indicates that very few significant changes have been made in the intervening year. Moreover, it makes it clear that any attempt to provide meaningful comments will require far more time than the current 30-day period allows, since apparently many of the previous comments were not able to be described effectively enough during the *last* 30-day comment period, so that they could be incorporated into the new draft.

For this reason, I respectfully request that, at a minimum, the comment date for these guidelines be extended by 60 days, or until 8 April 2013.

Thirty (30) days does not provide enough time to review, synthesize and develop potential analyses and information on the guidelines (and attendant information) in the FWS's notice. It took FWS nearly a year (utilizing no less than a dozen team members) to respond to comments on the previous draft guidelines. Yet the product of all this effort resulted in limited changes to the draft. Changes that I believe *do not* adequately address some of the most critical issues raised about the proposed summer survey guidelines. And in conversations with my colleagues, I know that they too have identified many of these same issues.

There is no reason to believe that a time extension will cause hardship to FWS. Especially since the *bat-survey portion* of the protocol hinges on using *acoustic monitoring in conjunction with an as-of-yet-to-be-developed and/or adequately tested automated software program*. Even the "contingency" plan for the protocol insists upon using acoustics in *absence* of available software. Rushing formulation of a protocol *without a key tool for effectively implementing it* is an example of bad science, in the extreme. Furthermore, one FWS employee has had time to pen a lengthy rebuttal to discussions about the newly unveiled draft at the NEBWG meeting. And *other* FWS employees and



FWS contractors have been contributing to the NEBWG List-serve with comments, clarifications, and rebuttals to still more NEBWG member reactions. It is my humble opinion that the time of FWS staff would be better spent organizing the new revised draft, and its associated documents, to receive and incorporate comments in a meaningful manner and to complete their literature search so that the most current available best-science can be incorporated in the needed modifications of the survey protocols going forward.

The FWS is required by the ESA to make decisions based on the “best scientific and commercial data available.” The proposed guidelines directly affect the data available for ESA compliance decisions. There are alternative, balanced survey approaches that improve species occupancy results. Any new protocol should acknowledge the strengths of *many* available techniques when used in tandem. This in turn will improve the quality of the resulting sample, reduce costs, maximize time in the field, and simplify survey reports for both project proponents and the FWS. Furthermore, it will increase the likelihood of proponent participation in the compliance process. Some major areas in the guidelines that need to be addressed include:

- The current lack of peer-reviewed literature supporting the the assumption that bat detectors and/or analysis software can provide dis-ambiguous identification of *Myotis sodalis*
- The current absence of acknowledging the peer-reviewed literature, which is available, that specifically cites the difficulty with which *Myotis sodalis*, an example of a “40kHz *Myotis*,” can be confidently identified acoustically.
- The current lack of attention to voluminous examples of peer-reviewed literature supplied during the initial comment period (2012), supporting the use of a combination of sampling techniques for better survey results, and more efficient documentation of a rare-species.
- The current lack of attention to making this document a true “range-wide” guidance document for surveys. The 2013 draft advances the rationale for shifting from a mist-netting protocol to an acoustic protocol, which is apparently based on a single 2012 survey in an area heavily impacted by WNS, and which has not been cited in any peer-reviewed literature, and is not applicable to the *Myotis sodalis* range as a whole.
- The absence of any discussion or acknowledgement regarding the financial, ecological, and legal costs of false-positive “occurrences” for *Myotis sodalis*.

Clearly, there remains *much* work to be done on the 2013 guidance document, and its attendant resources. This is work that cannot be adequately identified, let alone comprehensively described, by user comments in a mere 30-days. For this reason I urge you to look favorably upon this request for an extension to the comment period. The result will be a much more effective guidance document, with a much better potential for incorporating the best science for the effective management of this endangered species.

Respectfully,



Janet Debelak Tyburec

Cc: Mr. Gary Frazer, Assistant Director for Endangered Species, National Office (Washington DC)
Mr. Tom Melius, Regional Director (Region 3)
Mr. T.J. Miller, Chief, Division of Endangered Species (Region 3)
Mr. Andrew King, Endangered Species Biologist (Region 3)
Ms. Cindy Dohner, Regional Director (Region 4)
Mr. Leopoldo Miranda, Assistant Regional Director for Ecological Services (Region 4)
Mr. Mike Armstrong, Endangered Species Biologist (Region 4)
Ms. Wendi Weber, Regional Director (Region 5)
Mr. Paul Phifer, PhD, Assistant Regional Director for Ecological Services (Region 5)
Ms. Robyn Niver, Endangered Species Biologist (Region 5)